



Express Mail No.: EV 913 401 038 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Donald J. KYLE et al.

Confirmation No.: 5149

Application No.: 10/607,563

Group Art Unit: 1623

Filed: June 27, 2003

Examiner: Paul V. Ward

Title: THERAPEUTIC AGENTS USEFUL  
FOR TREATING PAIN

Attorney Docket No.: 6750-173-999  
(CAM No.: 305158-999171)

**RESPONSE TO EX PARTE QUAYLE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a response to the *Ex parte Quayle* action ("Quayle Action") mailed on October 20, 2006. The Quayle Action required the removal of non-elected subject matter in the claims. In response to the Quayle Action, entry of the following amendments and remarks into the file of the above-identified application is respectfully requested to place the above-identified application in condition for allowance or, at a minimum, in better form for appeal. The remarks include a request for rejoinder of certain claims, which the Applicants note "will be welcomed," pursuant to page 2 of the Quayle Action. Filed herewith is a Petition Under 37 C.F.R. §1.136(a) to extend the time for response for one (1) month up to and including January 22, 2007, with provision for the required fee. Favorable reconsideration of the claims in view of the amendments and remarks herein is respectfully requested.

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 16 of this paper.